



PTO/SB/21 (09-04) (AW 10/2004)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/616,274

Filing Date 07/09/2003

First Named Inventor George Goicoechea

Art Unit 3738

Examiner Name Javier G Blanco

Attorney Docket No. BSI-210US5

ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form
☐ Fee Attached
- ☐ Amendment/Reply
☐ After Final
☐ Affidavits/Declaration(s)

- ☐ Extension of Time Request
- ☐ Express Abandonment Request

- ☒ Information Disclosure Statement

- ☐ Certified Copy of Priority Document(s)

- ☐ Response to Missing Parts/
Incomplete Application
☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation,
Change of Correspondence
Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
☐ Landscape Table on CD

- ☐ After Allowance Communication
to TC
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply
Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please
identify below): 1 pg.
PTO/SB/08b; Federal Circuit
Decision; PTO-2038; post card
receipt

Remarks:**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm Name RatnerPrestia

Signature

Printed Name Joshua L. Cohen

Date 8/23/2007

Registration No. 25,276

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or Printed Name

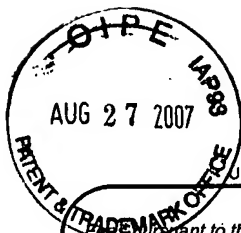
Denise Morgan

Date

8/23/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Effective on 12/08/04.

Not subject to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2007**☐ Applicant claims small entity status. See 37 CFR 1.27**Complete if Known**

Application Number	10/616,274
Filing Date	07/09/2003
First Named Inventor	George Goicoechea
Examiner Name	Jaiver G. Blanco
Art Unit	3738
Attorney Docket No.	BSI-210US5

TOTAL AMOUNT OF PAYMENT (\$) 180**METHOD OF PAYMENT** (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Small Entity	Small Entity	Small Entity	Small Entity	Small Entity	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**Each claim over 20 (including Reissues)
Each independent claim over 3 (including Reissues)
Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP = _____	x _____	= _____	_____	_____	_____	_____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP = _____	x _____	= _____	_____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	_____

4. OTHER FEE(S)Non-English Specification, \$130 fee (no small entity discount)
Other (e.g., late filing surcharge): IDS fee**Fees Paid (\$)**

180.00

SUBMITTED BY

Complete (if applicable)

Signature	<u>Joshua L. Cohen</u>	Registration No. Attorney/Agent	38,040	Telephone	610-407-0700
Name (Print/Type)	Joshua L. Cohen	Date	8/23/2007		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/616,274
Applicant: George Goicoechea et al.
Filed: July 9, 2003
Title: Bifurcated Endoluminal Prosthesis
TC/A.U.: 3738
Examiner: Javier G. Blanco

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the document listed on the PTO/SB/08b submitted herewith. A copy of the document listed on the PTO/SB/08b form, is enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

With respect to Applicants' claim of priority, Applicants would like to direct the Examiner's attention to the following court decision:

- Decision of the United States Court of Appeals for the Federal Circuit in *Boston Scientific Scimed, Inc. v. Medtronic Vascular, Inc.*, No. 2006-1434, dated August 8, 2007 (affirming the Memorandum Opinion and Final Judgment of the United States District Court for the District of Columbia in *Scimed Life Systems, Inc. v. Medtronic Vascular, Inc. and Eric C. Martin*, Civil Case No. 01-1515 (RJM) dated March 31, 2006).

A copy of the decision is attached. The decision was an appeal from a decision (previously submitted) of the USPTO Board of Patent Appeals and Interferences ("Board") dated July 27,

2001 in Interference No. 104,192, which involved an application of Andrew H. Cragg and Michael D. Dake that is familialy related to the present application.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

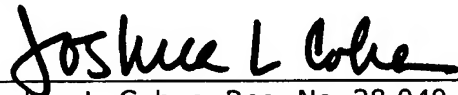
STATEMENT

The undersigned hereby states no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months before the filing of the Information Disclosure Statement.

A Petition for Further Suspension of Action for Six Months for Good and Sufficient Cause Pursuant to 37 C.F.R. § 1.103(a) was filed on May 8, 2007. Accordingly, it is respectfully submitted that this application should remain in suspense.

The required fee set forth in 37 C.F.R. § 1.17(p) is provided herewith.

Respectfully submitted,



Joshua L. Cohen, Reg. No. 38,040
Stanley Weinberg, Reg. No. 25,276
Attorneys for Applicants

JLC/SW/dhm

Enclosures: PTO/SB/08b
Federal Circuit Decision
Fee Transmittal (2)
PTO-2038
Transmittal Form

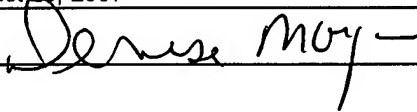
Dated: August 23, 2007

<input checked="" type="checkbox"/>	P.O. Box 980 Valley Forge, PA 19482 (610) 407-0700
<input type="checkbox"/>	P.O. Box 1596 Wilmington, DE 19899 (302) 778-2500

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

SHEET 1 of 1

Complete if Known

Application Number	10/616,274
Filing Date	07/09/2003
First Named Inventor	George Goicoechea
Art Unit	3738
Examiner Name	Javier G. Blanco
Attorney Docket No.	BSI-210US5

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (In CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Decision from United States Court of Appeal for the Federal Circuit for Boston Scientific Scimed, Inc. v. Medtronic Vascular, Inc. and Eric C. Martin dated August 8, 2007	<input type="checkbox"/>
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Examiner Signature			Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

¹Applicant's unique citation designation number (optional).

²Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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